

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 114105/NC/AW	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DK 03/00255	International filing date (day/month/year) 15.04.2003	Priority date (day/month/year) 22.04.2002
International Patent Classification (IPC) or both national classification and IPC A23J1/10		
Applicant DANEXPORT AS		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 13.11.2003	Date of completion of this report 05.01.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Korb, M Telephone No. +49 89 2399-8639 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 03/00255**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-2 as originally filed

Claims, Numbers

1-5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-5
	No: Claims	
Inventive step (IS)	Yes: Claims	1-5
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V.

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: EP-A-0 241 896 (GRINDSTED PROD AS) 21 October 1987 (1987-10-21)

D2: US-A-2 748 152 (ANDERSON LINDSON P ET AL) 29 May 1956 (1956-05-29)
(cited in the application)

D3: US-A-5 877 287. (LARSSON MATS ET AL) 2 March 1999 (1999-03-02) (cited in the application)

D1 (cf. claims 1-6 and p.2, l.20-25) discloses the preparation of a water-binding and gelatinising agent from defatted pork rind by grinding the comminuted defatted pork rind to which water and optionally edible salts are added.

However, D1 does not disclose a method for producing gelatin comprising a step of hydrolysis by acid as required by the claims.

D2 (cf. claims 1 and 2) discloses the preparation of defatted rind. D2 is silent on a method for the production of gelatine from defatted rind as defined in the claims.

D3 (cf. claim 1) discloses a method for producing gelatin from a collagen-containing raw material without a requirement for a demineralization step. The defatting in relation to gelatin production is also disclosed in D3 (see column 4, lines 17 to 21 and example 1, and claim 11). In the examples, bones are used as the starting material, in contrast to the claims of the present application which define rind. The object of the defatting disclosed in D3 is to avoid a particular process step for the complete demineralisation of the bone material before the hydrolysis (cf. col.6, l.23 to 28).

2. Thus the method for producing gelatin according to claims 1 to 4 wherein the rind is defatted before the hydrolysis with acid and the gelatine produced thereby according to claim 5 is considered novel over anyone of the documents D1 to D3 (Art. 33(2) PCT).

3. D2 is considered as the closest prior art. Neither D2 nor any combination with D1 and D3 hints at the claimed method which allows to produce gelatine with a high quality (Bloom quality) and a high yield (compare with p. 1, paragraph 3).

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Hence, the method for producing gelatin according to claims 1-4 and the gelatin according to claim 5 produced thereby is also considered as involving an inventive step over said documents (Art. 33(3) PCT).